10/534797 PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or secret's 51,	T						
Applicant's or agent's file reference 2002/113 WO	FOR FURTHER ACTION	ACTION See Notification of Transmittal of Internation Preliminary Examination Report (Form PCT/IPEA/416					
International application No.	International filing date (day	/month/year)	Priority date (day/month/year)				
PCT/EP2003/011728	23 October 2003 (23	.10.2003)	14 November 2002 (14.11.2002)				
International Patent Classification (IPC) or national classification and IPC A61L 9/12							
Applicant LTS LOHMANN THERAPIE-SYSTEME AG							
 This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 							
2. This REPORT consists of a total of 5 sheets, including this cover sheet.							
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).							
These annexes consist of a total of1 sheets.							
3. This report contains indications relating to the following items:							
I Basis of the report							
II Priority							
III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability							
IV Lack of unity of invention							
V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;							
VI Certain documents cited							
VII Certain defects in the international application							
VIII Certain observations on the international application							
Date of submission of the demand	Date	faamulation	CAL:				
30 April 2004 (30.04.2004)		Date of completion of this report					
			bruary 2005 (15.02.2005)				
Name and mailing address of the IPEA/EP	Autho	rized officer					
Facsimile No.	Teleph	Telephone No.					

Form PCT/IPEA/409 (cover sheet) (July 1998)

Translation

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/011728

1 117:41	of the report			
WITE	regard to the element	ts of the international applic	ation:*	
	the international app	lication as originally filed		
\boxtimes	the description:		•	
	pages		1-19	
	nagec			, as originally fil
	pages		, filed with the letter	of , filed with the dema
\boxtimes	the claims:			
	pages		2.17	
				, as originally fil
	pages			gether with any statement under Article
	pages	1	71.1.11.11.1	, filed with the dema
\boxtimes	the drawings:		, filed with the letter	of, filed with the demails of03 February 2005 (03.02.2005)
	pages		•	
	nages			, as originally fil
				filed with the dame.
			, filed with the letter of	of
L th	e sequence listing par	rt of the description:		
	pages			, as originally fil
	pages			, as originally fil, filed with the deman
	pages		filed with the letter of	of, filed with the demai
	the language of a trar	one or furnished to this Authors as a state of the pure cation of the international a	ority in the following language rposes of international search (under Rule 48 3/5))	which is represented the ser Rule 23.1(b)).
	the language of a trar	one or furnished to this Authors as a state of the pure cation of the international a	ority in the following language rposes of international search (under Rule 48 3/5))	which i er Rule 23.1(b)).
With	the language of a trar the language of publi the language of the t or 55.3).	sle or furnished to this Authorished for the purcation of the international a ranslation furnished for the	ority in the following language rooses of international search (underpolication (under Rule 48.3(b)). purposes of international preliminational preliminations.	which in the result of the res
With prelimi	the language of a trar the language of publi the language of the t or 55.3). regard to any nucle inary examination wa contained in the intern	sle or furnished to this Authorished for the purcation of the international arranslation furnished for the sotide and/or amino acids carried out on the basis of national application in writtenses.	ority in the following language rooses of international search (under polication (under Rule 48.3(b)). purposes of international prelimination of the international prelimination of the internation of the sequence listing:	which in the result of the res
With prelimi	the language of a trar the language of publi the language of the t or 55.3). regard to any nucle mary examination wa contained in the inter- filed together with the	sole or furnished to this Authorished for the purcation of the international agranslation furnished for the solide and/or amino acides carried out on the basis of national application in writted international application in	ority in the following language rooses of international search (under polication (under Rule 48.3(b)). purposes of international prelimitation of the international prelimitation of the sequence listing: on form.	which in the result of the res
With prelimi	the language of a trar the language of publi the language of the t or 55.3). regard to any nucle mary examination wa contained in the inter- filed together with the furnished subsequently	station furnished to this Authoristation furnished for the purcation of the international arranslation furnished for the sotide and/or amino acids carried out on the basis of national application in writted international application in y to this Authority in writtens.	ority in the following language rooses of international search (under polication (under Rule 48.3(b)). purposes of international prelimination of the international prelimination of the internation of the sequence disclosed in the internation form. computer readable form.	which i er Rule 23.1(b)). nary examination (under Rule 55.2 and
With prelimi	the language of a trar the language of publi the language of the t or 55.3). regard to any nucle inary examination wa contained in the inter- filed together with the furnished subsequentl furnished subsequentl	station furnished to this Authorities and for the purcation of the international arranslation furnished for the stational and/or amino acides carried out on the basis of national application in writte international application in y to this Authority in comparts to this Authority in comparts.	ority in the following language rooses of international search (under polication (under Rule 48.3(b)). purposes of international prelimination of the international prelimination of the sequence listing: an form. a form. atter readable form.	which in the result of the res
With prelimi	the language of a trar the language of publi the language of the t or 55.3). regard to any nucle inary examination wa contained in the inter- filed together with the furnished subsequentl furnished subsequentl furnished subsequentle furnished subsequentle furnished subsequentle	sole or furnished to this Authoristic of the purcation of the international arranslation furnished for the solide and/or amino acids carried out on the basis of national application in writte international application in y to this Authority in compute y to this Authority in compute subsequently furnished on as filed has been furnished.	ority in the following language rooses of international search (under polication (under Rule 48.3(b)). purposes of international prelimitation of the international prelimitation of the sequence disclosed in the international prelimitation form. computer readable form. in form. iter readable form. iter readable form. iter readable form.	which is created as a content of the creation which is created as a created as a creation which is created as a creation with a
With prelimi	the language of a trar the language of publi the language of the t or 55.3). regard to any nucle inary examination wa contained in the inter- filed together with the furnished subsequentl furnished subsequentl furnished subsequentle furnished subsequentle furnished subsequentle	sole or furnished to this Authoristic of the purcation of the international arranslation furnished for the solide and/or amino acids carried out on the basis of national application in writte international application in y to this Authority in compute y to this Authority in compute subsequently furnished on as filed has been furnished.	ority in the following language rooses of international search (under polication (under Rule 48.3(b)). purposes of international prelimitation of the international prelimitation of the sequence disclosed in the international prelimitation form. computer readable form. in form. iter readable form. iter readable form. iter readable form.	which is created as a constant of the creation which is created as a creation and application, the international application, the international application and the creation and
With prelimi	the language of a trar the language of publi the language of the t or 55.3). regard to any nucle inary examination wa contained in the inter- filed together with the furnished subsequentl furnished subsequentl furnished subsequentl files statement that in ternational applicati the statement that the been furnished. The amendments have	station furnished for the purcation of the international arranslation furnished for the station of the international arranslation furnished for the stational and/or amino acids carried out on the basis of national application in writter international application in the y to this Authority in compute y to this Authority in written y to this	ority in the following language rooses of international search (under posses of international search (under posses of international preliminary sequence disclosed in the international preliminary sequence listing: an form. computer readable form. atter readable form. It written sequence listing does end. computer readable form is identified.	which is created as a constant of the creation which is created as a creation and application, the international application, the international application and the creation and
With prelimi	the language of a trar the language of publi the language of the t or 55.3). regard to any nucle inary examination wa contained in the inter filed together with the furnished subsequentl furnished subsequentl furnished subsequentl files statement that international applicati The statement that th been furnished. The amendments have the description,	solid or furnished to this Authoritistic and/or amino acid solid and/or amino	ority in the following language rooses of international search (under posses of international search (under posses of international prelimitaries of international prelimitaries sequence disclosed in the interest the sequence listing: In form, In form, Inter readable form, In written sequence listing does end, In computer readable form is identified.	which is created as a constant of the creation which is created as a creation which is created as a creation and creation as a creation and creation as a creation and creation as a cre
With prelimi	the language of a trar the language of publi the language of the t or 55.3). regard to any nucle inary examination wa contained in the inter- filed together with the furnished subsequentl furnished subsequentl first statement that in the statement that the een furnished. The amendments have the description, the claims, Nos	station furnished for the purcation of the international arranslation furnished for the state of	ority in the following language rooses of international search (under posses of international search (under posses of international preliminary sequence disclosed in the international preliminary sequence listing: an form, computer readable form, and form, atter readable form. I written sequence listing does ad, computer readable form is identified.	which is created as a constant of the creation which is created as a creation which is created as a creation and creation as a creation and creation as a creation and creation as a cre
With prelimi	the language of a trar the language of publi the language of the t or 55.3). regard to any nucle inary examination wa contained in the inter- filed together with the furnished subsequentl furnished subsequentl first statement that in the statement that the een furnished. The amendments have the description, the claims, Nos	solid or furnished to this Authoritistic and/or amino acid solid and/or amino	ority in the following language rooses of international search (under posses of international search (under posses of international preliminary sequence disclosed in the international preliminary sequence listing: an form, computer readable form, and form, atter readable form. I written sequence listing does ad, computer readable form is identified.	which is created as a constant of the creation which is created as a creation which is created as a creation and creation as a creation and creation as a creation and creation as a cre
With prelimi	the language of a trar the language of publi the language of the t or 55.3). regard to any nucle inary examination wa contained in the inter- filed together with the furnished subsequentl file statement that th open furnished. The amendments have the description, the claims, Nos the drawings, si his report has been es yond the disclosure a	station furnished for the purcation of the international arranslation furnished for the social and/or amino acids carried out on the basis of national application in writter international application in a filed has been furnished in information recorded in the cancellation pages	ority in the following language rposes of international search (under polication (under Rule 48.3(b)). purposes of international preliminal sequence disclosed in the international preliminal sequence listing: on form. computer readable form. It written sequence listing does ded. computer readable form is identified. of: e amendments had not been made, upplemental Box (Rule 70.2(c)).**	which is created as a summary examination (under Rule 55.2 and crnational application, the international not go beyond the disclosure in the scal to the written sequence listing has since they have been considered to go
With preliming in the preliming in the preliming in the preliming in the preliming in this repeated in this repeated in this repeated in this repeated in the preliming in the p	the language of a trar the language of publi the language of the t or 55.3). regard to any nucle inary examination wa contained in the intern filed together with the furnished subsequentl furnished subsequentl furnished subsequentl furnished subsequentl file statement that in the statement that th been furnished. The amendments have the description, the claims, Nos the drawings, sl his report has been es yond the disclosure a ment sheets which have export as "originally 7).	station furnished for the purcation of the international arranslation furnished for the purcation of the international arranslation furnished for the social and/or amino acids carried out on the basis of national application in writter international application in writter international application in the sy to this Authority in compute y to this Authority in compute y to this Authority in compute subsequently furnished on as filed has been furnished in information recorded in the cancellation pages	ority in the following language reposes of international search (under polication (under Rule 48.3(b)). In purposes of international preliminal sequence disclosed in the international preliminal sequence listing: In form. In form. In the readable form. In written sequence listing does In the does In the international preliminal sequence listing: In form. In form. In the readable form is identified. In the international preliminal sequence listing does In the international preliminal sequence disclosed in the international preliminal sequ	nary examination (under Rule 55.2 and exmational application, the international application, the international not go beyond the disclosure in the scal to the written sequence listing has since they have been considered to go not contain amendments (Rule 70.16

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP 03/11728

v.	Reasoned statement under Article 3 citations and explanations supporting	5(2) with regard to novelty such statement	y, inventive step or industrial appl	icability;
1.	Statement			
i.	Novelty (N)	Claims	1-17	YES
		Claims		NO
	Inventive step (IS)	Claims		YES
		Claims	1-17	NO NO
	Industrial applicability (IA)	Claims	1-17	YES
		Claims		NO

2. Citations and explanations

This report makes reference to the following documents:

D1: US-A-4 529 125

D2: US-A-4 874 129

D3: FR 2 745 720

- The present application fails to meet the requirements of PCT Article 33(1) because the subject matter of independent claim 1 does not involve an inventive step within the meaning of PCT Article 33(3).
- 1.1 D1 is regarded as the prior art closest to the subject matter of claim 1. D1 discloses (the references in parentheses are to D1):

 a dispenser for the controlled release of volatile substances (see figures 1-3), comprising a reservoir (12) that contains at least one volatile substance (see column 3, lines 40-49), a first control element (18) that exerts a control function that is dependent on the substance properties of the at least one volatile substance and the material properties of the constituents of the first control element (18) (see column 3, lines 51-63: "diffusion layer"), and a second control element (22) that exerts a control function that is independent of the substance

PCT/EP 03/11728

properties of the at least one volatile substance and the material properties of the constituents of the first control element (18) (see column 3, line 67 to column 4, line 6).

- 1.2 Thus the subject matter of claim 1 differs from the known dispenser in that the first control element has pressure sensitive adhesive properties.
- 1.3 The problem to be solved by the present invention can therefore be regarded as that of providing a dispenser that can be produced more easily.
- 1.4 The solution in **claim 1** of the present application cannot be regarded as inventive for the following reasons (PCT Article 33(3)):

The control element with pressure sensitive adhesive properties is only one of a number of obvious possibilities from which a person skilled in the art would choose, according to the circumstances, in order to solve the problem of interest, without thereby being inventive (see, for example, D3: figure 5; page 7, line 27 to page 8, line 6; page 3, line 22 to page 4, line 2: "the adhesion of said layers to each other is ensured by an adhesive incorporated in at least one of said layers").

- 2. The same argument applies correspondingly to independent claims 16 and 17. The subject matter of claims 16 and 17 therefore does not involve an inventive step (PCT Article 33(3)).
- 3. Dependent claims 2 to 15 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for inventive step (see D1, D2, D3 and the corresponding passages cited in the search report).
